

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**DONALD L. BLANKENSHIP,
Movant,**

vs.

**UNITED STATES OF AMERICA,
Respondent.**

**Civil Action No. 5:18-CV-00591
Criminal Action No. 5:14-CR-00244**

**GOVERNMENT'S REPLY
TO MOVANT'S MOTION FOR ORAL ARGUMENT**

Movant Donald L. Blankenship has filed a motion for oral argument “to support a resolution of his 2255 motion,” claiming there is a “cloud over [his] professional and personal life” in these 2255 proceedings in which “[t]he parties have extensively and fully briefed the issues raised in the 2255 Motion.” (R.733.) Because, however, no facts or circumstances justify the need for oral argument, Blankenship’s motion should be denied.

Oral argument is not given as a matter of right in habeas cases filed pursuant to 18 U.S.C. § 2255. Where “the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief,” the Court is free to issue a written decision on the merits. 28 U.S.C. § 2255(b). Such is the case here. “[T]he materials needed to review th[e] [2255] motion are already before the court,” and “oral argument would not aid the decisional process.” *United States v. Breton-Pichardo*, No. 5:03-CR-70006-009, 2018 WL 1440085, at *4 (W.D. Va. Mar. 22, 2018); *see United States v. Norman*, 585 F. App’x 283, 284 (4th Cir. 2014) (“We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before this court and argument would not aid the decisional process.”).

Blankenship has neither articulated any additional facts nor legal contentions supporting such relief. The 2255 motion has been fully briefed, the materials needed to review the motion are already before the Court, and 18 U.S.C. § 2255 allows the Court to issue a written decision on the merits when the records show there is no available relief. Oral argument would simply not aid in any decisional process here. For these reasons, Blankenship’s motion for oral argument should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Douglas W. Squires, certify that on August 1, 2019, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users, or if they are not, by serving a true and correct copy at the addresses listed below:

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